



THE ATTORNEY GENERAL OF TEXAS

AUSTIN 11, TEXAS

WILL WILSON
ATTORNEY GENERAL

November 21, 1961

Honorable Wm. B. Bourke
County Attorney
Daingerfield, Texas

Opinion No. WW-1196

Re: Whether the uniform traffic laws are violated when a driver of a motor vehicle in passing another vehicle crosses the center stripe of the highway in a passing zone but passes back to the right side of the road in a non-passing zone.

Dear Mr. Bourke:

You have requested an opinion from this office as follows:

Would it be a violation of the uniform traffic laws when a person begins to pass a car to the left hand side of the center stripe when the same is in an area designated by the Texas Highway Department as a passing zone but before the completion of the passing, he returns to the right hand side of the highway in an area designated by the Texas Highway Department as a no-passing zone?

The following provisions of Article 670ld are applicable:

"Sec. 52. Upon all roadways the driver of a vehicle shall drive upon the right half of the roadway, except as follows:

"1. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;...

"Sec. 57. (a) No vehicle shall at any time be driven to the left side of the roadway under the following conditions:

"1. Where sight restriction is such that

the section of highway being traversed lies within a no passing zone as determined and marked in accordance with Section 58.

"Sec. 58. The State Highway Commission is hereby authorized to determine those portions of any highway where overtaking and passing or driving to the left of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of such zones and when such signs or markings are in place and clearly visible to an ordinarily observant person every driver of a vehicle shall obey the directions thereof." (Emphasis added)


Construing Sections 57 and 58 together, this office is of the opinion that at no time may a vehicle be traveling on the left side of the road within a no-passing zone appropriately marked by the State Highway Commission, and that any car traveling on the left side of the road in a zone so designated or marked is violating Article 670ld.

S U M M A R Y

It is a violation of the uniform traffic laws for a person to begin to pass a car to the left hand side of the center stripe when the same is in an area designated by the Texas Highway Department as a passing zone if he returns to the right hand side of the highway in an area designated by the Texas Highway Department as a no-passing zone, whether he passes the car or not. The violation occurs by traveling on the left hand side of the road in a zone appropriately marked by the State Highway Commission as a no-passing zone.

Yours very truly,

WILL WILSON
Attorney General of Texas

By 
J. T. Walker
Assistant Attorney
General

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JTW:sh:bjh

APPROVED:

OPINION COMMITTEE:

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REVIEWED FOR THE ATTORNEY GENERAL
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